

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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DAVID SULLIVAN,  
  
Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,  
  
Defendant.  
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CASE NO. 5:13-CV-701

OPINION & ORDER  
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 1, 2013, Plaintiff David Sullivan filed a complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny him supplemental security income.<sup>1/</sup> Under Local Rule 72.2, the Court referred the petition to Magistrate Judge Kathleen B. Burke for a Report and Recommendation. On March 24, 2014, Magistrate Judge Burke issued a report recommending this Court reverse and remand the Commissioner's decision.<sup>2/</sup> The Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **REVERSES AND REMANDS** the Commissioner's decision.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>3/</sup>

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<sup>1/</sup> Doc. [1](#).

<sup>2/</sup> Doc. [15](#).

<sup>3/</sup> [28 U.S.C. § 636\(b\)\(1\)](#).

Case No. 5:13-CV-701  
Gwin, J.

Parties must file any objections to a Report and Recommendation within fourteen days of service.<sup>4/</sup> Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation.<sup>5/</sup> Absent objection, a district court may adopt the magistrate judge's report without review.<sup>6/</sup>

In this case, neither party objected to the Magistrate Judge's recommendation.<sup>7/</sup> Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **REVERSES AND REMANDS** the Commissioner's decision.

IT IS SO ORDERED.

Dated: April 9, 2014

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>4/</sup> [Fed. R. Civ. P. 72\(a\)](#).

<sup>5/</sup> *Id.*; see [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

<sup>6/</sup> [Thomas](#), 474 U.S. at 149.

<sup>7/</sup> Defendant has filed a response indicating it will not object. Doc. [16](#).